

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ST. PAUL MERCURY INSURANCE CO., §  
§  
Plaintiff, §  
§  
VS. § CIVIL ACTION NO. H-10-5146  
§  
LEWIS-QUINN CONSTRUCTION, *et al.*, §  
§  
Defendants. §

**ORDER**

On January 14, 2011, three of the defendants in this case—Alliance Development Inc., Galloway Trust Management, and James E. Galloway—moved to dismiss the plaintiff's complaint for insufficient service and insufficient service of process. (Docket Entry No. 16). The motion challenges the plaintiff's attempts to serve the defendants on December 23, 2010 and January 6, 2011. On January 21, 2011, a return of service of summons was filed with the court for each of the three defendants. (Docket Entries No. 21, 22, 23). Each return of service of summons includes a notarized affidavit by the process server stating that the three defendants were served on January 17, 2011 by delivering a copy of the complaint and a copy of the summons in person to James E. Galloway in his individual capacity and to James E. Galloway as registered agent for Alliance Development and the Galloway Trust. Because the defendants' motion does not challenge the January 17, 2011 service of process, the motion to dismiss is denied.

SIGNED on September 13, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge